

REGULAR CITY COUNCIL MEETING  
SEPTEMBER 22, 1997

PRESENT

Don Dafoe	Mayor
Gayle Bunker	Council Member
Robert Dekker	Council Member
Robert Droubay	Council Member
Dale Roper	Council Member
Glen Swalberg	Council Member

ABSENT

Richard Waddingham	City Attorney
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ALSO PRESENT

Dorothy Jeffery	City Recorder
Neil Forster	Public Works Director
Judy Baker	City Treasurer
Greg Schafer	City Employee
Derin Phelps	Millard County Chronicle/Progress
Todd Turner	City Resident
Youth City Council Group	

Mayor Dafoe called the meeting to order at 7:00 p.m. Dorothy Jeffery, City Recorder, acted as Secretary. Mayor Dafoe stated that notice of the meeting time, place, and agenda was posted at the principal office of the governing body, located at 76 North 200 West, and was provided to the Millard County Chronicle/Progress, KNAK Radio, and to each member of the City Council, by personal delivery, at least two days prior to the meeting.

Council Member Robert Dekker offered an invocation, after which Mayor Dafoe led the Council in the Pledge of Allegiance.

MINUTES

The proposed minutes of a Public Hearing held August 25, 1997 were presented for consideration and approval.

Council Member Glen Swalberg MOVED to approve the minutes of the Public Hearing held August 25, 1997, as presented. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

The proposed minutes of a Regular City Council Meeting held August 25, 1997 were presented for consideration and approval.

Council Member Robert Droubay MOVED to approve the minutes of the Regular City Council Meeting held August 25, 1997, as presented. The motion was SECONDED by Council Member Dale Roper. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### ACCOUNTS PAYABLE

The Council reviewed the accounts payable, a copy of which had been given to them two days prior to the meeting. Following review, Council Member Robert Dekker MOVED to approve the accounts payable, in the amount of \$230,033.45. The motion was SECONDED by Council Member Gayle Bunker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### UNFINISHED BUSINESS

##### CITY ATTORNEY RICHARD WADDINGHAM: ORDINANCE RELATING TO LICENSING AND REGULATION OF SEXUALLY ORIENTED BUSINESSES.

Mayor Dafoe advised the Council that City Attorney Waddingham is unable to attend this meeting due to illness, and has requested additional time to complete this ordinance before presenting it for approval.

Council Member Dale Roper MOVED to table this item until the next meeting of the City Council. The motion was SECONDED by Council Member Robert Droubay. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

#### NEW BUSINESS

##### CITY ATTORNEY RICHARD WADDINGHAM: ACCEPTANCE OF PETITION FOR PROPOSED LOVELL-TURNER ANNEXATION.

Mayor Dafoe noted that this petition for annexation was accepted in a previous City Council meeting; however, the statutes governing annexations was changed in the last legislative session. This petition has been re-filed, under the new annexation rules, and needs to be accepted by the City Council in order to begin the annexation procedure.

Council Member Robert Droubay MOVED to accept the Petition for Annexation for the Lovell-Turner Annexation. The motion was SECONDED by Council Member Glen Swalberg. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

CITY RECORDER DOROTHY JEFFERY: APPROVAL OF MAYOR AND COUNCILPERSONS FOR DELTA CITY YOUTH COUNCIL.

City Recorder Dorothy Jeffery advised the Council that the officers of the Youth City Council were unable to attend the meeting tonight and requested that approval be postponed until a later meeting. Mrs. Jeffery noted that Charlene Olcott has consented to be the advisor this year and she took the Youth Council to Salt Lake for their recent convention. Current Youth City Council Mayor Tim Johnson was in attendance and requested that he be allowed to review the Youth City Council plans for the coming year.

Tim Johnson addressed the Council. He advised the Council that the Youth City Council has the following activities planned for the upcoming year:

October:	Haunted House at the old Deseret School
December:	Caroling for Cans to be donated to Sub for Santa Dinner and program for Sands Apartment residents and other Senior Citizens
March:	Date Auction at the High School as a fund raiser for leadership camps

In addition, they plan to hold a dance at the high school; assist with the Health Fair; sell scented candles as a fund raiser for leadership camps; various socials; the Christmas Light Parade; a benefit talent show; yard sale; and an adult Bingo night. They are also working on a "Welcome to Delta" sign. Other ideas are still being considered, as well as details for the items mentioned.

City Recorder Jeffery noted that there are approximately 40 members of the Youth City Council this year and also mentioned that they assist with the City cleanup in the spring each year.

MAYOR DON DAFOE: HOURS FOR SALE OF BEER AT CONVENIENCE STORES.

Mayor Dafoe mentioned that he has had some requests from local businesses that they be allowed to sell beer prior to 10:00 a.m. The current ordinance does not allow sale of beer between 1:00 a.m. and 10:00 a.m. However, convenience stores in the County sell beer beginning at 7:00 a.m. The stores located within City limits have many requests to purchase beer prior to 10:00 a.m. from people who are going out into the surrounding areas for rock hounding, etc. and want to purchase beer before they leave town. Mayor Dafoe requested information from City Attorney Waddingham regarding whether there is a state law which sets the hours for sale of beer and was advised that the state law governs hours for sale of beer from taverns, i.e. on premise consumption, but not from stores. It was the feeling of the Council that the stores in the City limits should have the same hours as the stores located in the County.

Mayor Dafoe will request an ordinance from City Attorney Waddingham changing the hours of retail sale of beer for off-premise consumption.

OTHER BUSINESS

Mayor Dafoe told the Council that, in spite of the rainy weather, there was a good turn out for the Classy Chassis Car Show held in Delta on September 19<sup>th</sup> and 20<sup>th</sup>. Mayor Dafoe noted that Delta City has been sponsoring a trophy at the car show for the "Mayor's Choice." The Mayor is responsible to pick out his choice for the trophy and go to the awards presentation on Sunday to award the trophy. The trophy is usually the same size as the "Best of Show." The trophy this year was awarded to a 1929 Ford Sedan owned by a lady in American Fork. Mayor Dafoe expressed his hope that this tradition be carried forward by the next Mayor.

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Mayor Dafoe updated the Council on the status of the electronic sign, which has been ordered. Mayor Dafoe and Public Works Director Forster spent some time determining the location for the sign. They determined that it would be difficult to see the sign in the park, and it is much more visible in the area of 200 West on Main Street, near the Fire Department. However, the street light arm would extend through the middle of the sign when viewed from westbound traffic on Main Street. Mayor Dafoe and Public Works Director Forster contacted Bona Signs to see if the sign could be extended approximately three feet in height. The pole cover for the sign had already been built, so it was determined that the pole could be extended by constructing a planter around the base of the pole, which will elevate the sign three feet. Bona signs is planning to be in Delta on Wednesday, September 24<sup>th</sup> to excavate the hole and put the concrete and pipe in. They hope to have the sign erected by October 1<sup>st</sup>. Fire Chief Bryce Ashby has talked with the Millard County Fire District and received their approval to place the sign on the Fire District property at the corner of 200 West and Main Street. The computer to control the sign will be located in the Fire Department office.

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Mayor Dafoe has been contacted by Millard School District Superintendent Kenneth Topham regarding some of the sidewalks near Delta South Elementary School. There is a need for a sidewalk on the East side of Center Street just North of the school. There is a sidewalk on the East side in the next block (400 South to 300 South), then there are two blocks (300 South to 100 South) with no sidewalk. If sidewalks were constructed or replaced in these areas, there would be sidewalk all along Center Street from Delta South Elementary School to Main Street. At present, the children are walking in the street or in the weeds along the side of Center Street. Mayor Dafoe estimated the cost of the concrete work to be \$3,000 - \$5,000. It was the feeling of the Council that the sidewalk on Center Street should be completed this fall, if possible.

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Council Member Glen Swalberg mentioned that he has questions regarding whether a property owner is expected to maintain the property out to the street side of the sidewalk, if there is no curb, and to the curb where curb exists; i.e., keep it clean, clear of weeds, and keep snow removed in the winter. Council Member Swalberg has been told by property owners that it is the

City's responsibility to take care of the sidewalk and the property between the sidewalk and curb. Council Member Swalberg also mentioned a weed problem on the Southwest corner of 200 West and 100 South. The Council agreed that it is the property owners' responsibility to take care of the property to either the street side of the sidewalk, where no curb exists, or to the curb, where curb has been installed. Council Member Swalberg will contact residents who have not been caring for these areas to inform them that they have responsibility to keep those areas clean.

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Public Works Director Neil Forster distributed to the Council copies of information which he has received from Great Basin Veterinary Services regarding handling of potentially rabid animals and animals involved in unprovoked human attacks. Public Works Director Forster noted that our ordinance states that an animal involved in biting a human must be confined for 14 days. All State criteria and information received from vaccination authorities indicate that a 10 day confinement is sufficient. Public Works Director Forster would like to have approval of the City Council to request that City Attorney Waddingham prepare an ordinance reducing the confinement time from 14 days to 10 days. The Council agreed to the request for preparation of an ordinance reducing the confinement time from 14 to 10 days.

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Council Member Gayle Bunker asked Public Works Director Forster about progress in recruitment of an animal control officer. Public Works Director Forster advised the Council that he is working on a job description at present. Mayor Dafoe brought up the subject, in a Mayors meeting with the County Commission, of the County and all the cities and towns working together to fund animal control for the entire county. The Mayors were interested, as well as Sheriff Ed Phillips, but the Commissioners had no interest, so the idea received no further discussion.

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Council Member Robert Dekker requested that Public Works Director Forster contact the Manager at the 7-11 store on Center Street and Main Street to request that the bushes growing near the street need to be cut back in order for vehicles to see oncoming traffic from the East on Main Street. Public Works Director Forster will contact the Manager of 7-11.

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Council Member Glen Swalberg mentioned concern regarding the possibility of installing a stop light at the corner of Main Street and Center Street where the school crossing is located. Mayor Dafoe advised the Council that Main Street is a State Highway and the State will not install a stop light until after completing a traffic study to determine whether certain criteria are met. It was determined that Delta City should request that the State conduct a study to see if we can get a stop light installed at Main Street and Center Street.

In addition, Council Member Glen Swalberg requested that a "Stop" sign be installed in the alley running North and South at 350 West between 50 South and 100 South. Public Works Director Forster will take care of installation of the "Stop" sign.

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Mayor Dafoe asked if there were any comments, questions, or other items to be discussed. There being none, Council Member Dale Roper MOVED to adjourn. The motion was SECONDED by Council Member Robert Dekker. Mayor Dafoe asked if there were any comments or questions regarding the motion. There being none, he called for a vote. The motion passed unanimously.

Mayor Dafoe declared the meeting adjourned at 8:20 p.m.

  
DON DAFOE, Mayor

  
DOROTHY JEFFERY, City Recorder

MINUTES APPROVED: RCCM 10-20-97